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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,016	11/29/2001	Georges Auburger	083114 0277565	3885
- 758 7590- 04/19/2007 FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EXAMINER BROWN, RUEBEN M	
			ART UNIT 2623	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS		MAIL DATE 04/19/2007	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/998,016

Applicant(s)

AUSBERGER

Examiner

Reuben M. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 & 21-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-13 & 21-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Getting Started with RealPublisher, Version 5.1, (Software Manual, 12/2/1998).

Considering claims 1 & 7, the claimed method of inserting and integrating video data into a streaming digital medium over a communication network, comprising:

‘selecting a transaction for implementing video enabling services’, reads on the user selecting the RealPublisher application, see pages 9-12.

‘transmitting a digital form for a user to complete on a user computing device, to a user on a user computing device’, reads on the dialog boxes shown on pages 11-13, which show the user opening a New Session. ‘receiving a completed form’, reads on the user’s response to the dialog boxes on pages 11-13. Item 14 on page 13, instructs the user to “Review all information regarding your file. If it is correct, click Finish. You are returned to the RealPublisher window.

‘requesting the video enabling services to load a browser plug-in on the user computing device in response to receiving digital form, wherein the browser plug-in is configured for recording’. The RealPlayer RealPublisher application reads on the claimed ‘browser plug-in’, whereas each actual page that is interacted with by the user, reads on the claimed ‘digital form’. Page 14 states, “With RealPublisher, you can record RealAudio and RealVideo from many types of media devices...”. Thus, RealPublisher is the browser plug-in used to record the video data, as recited in the claims.

‘receiving the video data recorded by the browser plug-in to a media vault’, reads on the discussion in RealPublisher that the created audio/video files may be stored at a remote server, and that the user chooses the name & directory, see page 13, Item # 13; page 16, Item # 15; page 19, Item # 15; page 24, Item # 7; pages 31-37.

‘storing a video token into a database, wherein the video token is associated with the video data’; reads on the section in RealPublisher of creating web pages, embedded with video

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files, pages 27-30. The metafile in RealPublisher corresponds with the claimed 'video token', since it is associated with a corresponding medial file, see page 30.

Regarding the amended claimed feature of, 'indicating that the video data is associated with web page', RealPublisher teaches that the metafile contains the URL (which is a video token) where the uploaded can be found on the server, see page 30-32. In particular, RealPublisher specifically discloses that the uploaded video file has a corresponding URL, which is unique, and which is used to access the instant video file by multiple users.

Considering claims 2 & 3, the digital medium in RealPublisher is a web page, pages 2 & 30-31.

Considering claims 3, 9 & 24 RealPublisher shows that the dialog boxes that the interacts with are HTML format, see pages 1-12.

Considering claims 4, 10 & 25, the browser plug-in RealPlayer is used to record data in the RealPublisher software package, see page 30, which states, "You must have RealPlayer installed to view your page properly.

Considering claims 5, 11 & 26, RealPublisher teaches that the input content may be live video, which requires a video camera as a capture device; see page 7 & pages 14-15.

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Considering claim 8, see pages 1 & 37.

Considering claim 12, the video data in RealPublisher may be imported from a memory of a computing device, page 12, Item # 5.

Considering claims 6, 13 & 27, the purpose of the URL associated with the uploaded video is for uniquely identifying the video data, when in storage; see pages 30-32.

Considering claims 21 & 28, the claimed subject matter reads on the user accessing the stored video data, and having it streamed for playback, which is the whole purpose of RealPublisher. For instance, the reference teach that files may be accessed using the Internet, using its associated URL and/or alternatively accessed for the purpose of editing, see pages 31-32 & 55.

Considering claim 22, the claimed computer program product for inserting and integrating video into a streaming medium, comprising elements that correspond with subject matter mentioned above in the rejection of claim 1, is likewise treated. As for the claimed computer program product, comprising a computer readable medium containing computer program code, RealPublisher is implemented on computer, and thus meets the claimed subject matter.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-13 & 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chadda, (U.S. Pat # 6,173,317), in view of Gupta, (U.S. Pat # 6,956,593).

Considering claim 1, the claimed method of inserting and integrating video data into a streaming digital medium over a communication network, comprising:

‘selecting a transaction for implementing video enabling services’, is met by the disclosure of Chadda, which teaches a user, i.e., designer 219 using the producer 215 to create interactive documents, col. 5, lines 10-35 & Fig. 2-3. The claimed feature reads on the use selecting the software package.

‘transmitting a digital form for a user to complete on a user computing device’ and ‘receiving a completed digital form’, reads by the user operating the producer application over the Internet as shown, col. 5, lines 29-54.

‘requesting the video enabling service to load a browser plug-in on the user computing device in response to receiving the completed digital form, such that browser plug-in is configured for video data recording’ is met by the disclosure that the browser plug-in 952 may be transmitted to the user and installed over the Internet, col. 8, lines 4-30.

‘receiving the video data to a media vault’, reads on the discussion in Chadda, that the video may be stored remote from the designer 219, col. 7, lines 45-50.

‘storing a video token into a database, the video token associated with the video data in the media vault’; Chadda only discusses Table of Contents to indexed time stamps in a video stream. Nevertheless, Gupta teaches a system wherein video data is stored on subscriber equipment and a file manager stores entries in a database used to retrieve the instant stored video data, see col. 9, lines 1-50. Gupta discloses that the Media content identifier field 200 contains data that uniquely identifies particular multimedia content, stored at the server. It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify Chadda with the feature of explicitly providing each stored video content with a unique identifier, i.e., video token, least for the advantage of enabling user to easily retrieve the instant stored media content, as taught by Gupta.



'presenting the digital medium and video data on the computing device', reads on Chadda col. 5, lines 30-40 & col. 6, lines 21-35.

Regarding the amended claimed feature of, 'indicating that the video data is associated with web page', the annotation stream in Chadda is associated with a URL, which reads on the subject matter, col. 8, lines 14-25.

Considering claims 2-3, 9 & 23-24, Chadda teaches that the video data may be streamed over the Internet, which meets the claimed subject matter, see Abstract; Figs. 6-7; col. 8, lines 21-60.

Considering claims 4 & 10, the browser plug-in is used to display & record data, see Chadda col. 8, lines 21-60.

Considering claims 5, & 11, Chadda teaches that the input content may be live video, which requires a video camera as a capture device, see col. 9, lines 62-67. Also see Chadda, col. 5, lines 44-46.

Considering claims 6 & 13, the claimed subject matter reads on Gupta, col. 9, lines 1-50.

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Considering claim 7, the claimed method and system for inserting and integrating video data into streaming digital medium, comprises features that correspond with subject matter mentioned above in the rejection of claim 1, and are likewise treated.

Considering claim 8, Gupta teaches transmitting the video data in an e-mail, col. 3, lines 58-67; col. 13, lines 10-25.

Considering claim 12, see Chadda, col. 5, lines 44-50.

Considering claims 21 & 28, the claimed subject matter reads on combination of Chadda (col. 5, lines 1-40; col. 7, lines 45-48) 3& Gupta (col. 3, lines 25-57; col. 10, lines 7-21; col. 14, lines 25-40).

Considering claim 22, the claimed computer program product for inserting and integrating video into a streaming medium, comprising elements that correspond with subject matter mentioned above in the rejection of claim 1, is likewise treated. As for the claimed computer program product, comprising a computer readable medium containing computer program code, both Chadda (col. 4, lines 45-67) & Gupta are implemented on computer, and thus meets the claimed subject matter.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's claims.

A) Bartholomew Teaches a user uploading video files to a server, after a browser plug-in is downloaded and installed on the user's computer. Also discloses that the uploaded video files may be recorded locally using the instant downloaded browser plug-in, see (col. 8, lines 19-35; col. 9, lines 31-67 thru col. 10, lines 1-60; col. 12, lines 1-35). The uploaded video files may be accessed via the Internet, using its associated URL, (col. 14, lines 35-67; col. 15, lines 12-65).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

  
HAITRAN  
PRIMARY EXAMINER